IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 13215 of 2007(W)

PETITIONER:

K.MONY, S/O. V.K.KUMARAN,
AGED 54 YEARS, VADAKKEDATH HOUSE,
P.O.NAYARUPARA, IDUKKI DISTRICT.
(UPPER DIVISION CLERK, DISTRICT EDUCATIONAL OFFICE, KATTAPPANA).

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY
THE SECRETARY TO EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

3. THE ADDL. DIRECTOR OF PUBLIC
INSTRUCTION, THIRUVANANTHAPURAM.

4. THE DISTRICT EDUCATIONAL OFFICE,
KATTAPPANA, IDUKKI DISTRICT.

5. MR. SUGATHAN,
SR. SUPERINTENDENT, VIGILANCE SECTION,
OFFICE OF THE D.P.I., THIRUVANANTHAPURAM.

BY GOVT. PLEADER SMT. LAKSHMI RANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 13215 OF 2007

Dated this the 23rd day of May, 2007

J U D G M E N T

Having heard learned counsel for the petitioner and the learned Government Pleader and having perused the materials placed on record, I do not deem it necessary to deal with the various contentions raised by the petitioner at length, since in my view the writ petition can be disposed of on a short ground.

2. It is brought to my notice that Ext.P1 notice of suspension and Ext.P6 order on the representation submitted by the petitioner were passed by one and same officer. It is pertinent to note that the representation submitted by the petitioner was directed to be treated as an appeal by this Court in Ext.P4 judgment. It is pursuant to the above direction that Ext.P6 order had been passed. Curiously, Ext.P1 order of suspension was also passed by the same officer. In my view irregularity is writ large on the face of the record which vitiates the entire proceedings.

2. Therefore Ext.P6 order is quashed. It will be open to the competent authority to pass a fresh order in the matter in accordance with law. Petitioner will be at liberty to raise all his

contentions before the said authority. The 2nd respondent shall pass fresh orders in the matter as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. Needless to mention petitioner shall be afforded sufficient opportunity to be heard by the 2nd respondent before any decision is taken in the matter.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007